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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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**EXAMINER**

AARON STRANGE

ART UNIT	PAPER
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2448

20100915

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

It is noted that for each NPL document cited on the respective PTO-1449 forms filed in the present application without date information, a "no date" annotation has been assigned by the examiner to each as the date information was not readily obtainable.

/Aaron Strange/  
Primary Examiner, Art Unit 2448

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a e-mail communication received from Carl L. Benson (Reg. No. 38,378) on 9/7/2010.

The application has been amended as follows:

1. (Cancelled)
2. A method of controlling an intermediate transmitter station in a network with a plurality of intermediate transmitter stations, the method including:
  - receiving mass medium programming and a control signal at said intermediate transmitter station from an origination station;
  - generating information to be associated with said mass medium programming at said transmitter station, said information being related to said mass medium programming and said transmitter station in said network and said information being different from information generated at other of said plurality of intermediate transmitter stations;
  - receiving, at said intermediate transmitter station from said origination station, a schedule that designates said mass medium programming and includes at least:

(a) a time to transmit said mass medium programming to a remote receiver station; and

(b) a channel on which to transmit said mass medium programming to said remote receiver station;

selecting said information to be associated with said mass medium programming based on said schedule, said selected information including software;

detecting the presence of said control signal at said intermediate transmitter station and passing said control signal to said computer, said control signal designating at least one of said mass medium programming and said information to be associated with said mass medium programming;

selecting at least one of code and data, said selected at least one of code and data being effective to perform one of: (a) control said remote receiver station, (b) serve as a source of receiver specific data to supplement said mass medium programming, and (c) serve as a source of receiver specific data to complete said mass medium programming;

controlling a selective transmission device to communicate said information to be associated with said mass medium programming to one of a selected signal generator and a signal generator at a selected time;

generating a signal containing said mass medium programming, said selected at least one of code and data and said information to be associated with said mass medium programming; and

transmitting said signal to a remote receiver station.

3. (Cancelled)

4. (Cancelled)

5. The method of claim 2, wherein said mass medium programming includes audio, said method further comprising the step of communicating said audio to a transmitter in accordance with said schedule.

6. The method of claim 2, wherein said mass medium programming includes at least one of video, audio, and graphic, said method further comprising the steps of:  
receiving from a subscriber a response to a presentation containing said at least one video, audio, and a graphic; and

communicating second mass medium programming to a transmitter based on said response.

7. (Cancelled)

8. The method of claim 2, further comprising the step of programming said remote receiver station to select and control the communication of said mass medium programming based on said schedule.

9. The method of claims 2, wherein said selective transmission device includes one of a switch and a processor, said method further comprising the step of programming said transmitter station to control said selective transmission device.

10. The method of claim 2, wherein said selective transmission device includes a storage device, said method further comprising the steps of receiving and storing said information to be associated with said mass medium programming.

11. (Cancelled)

12. An intermediate transmitter station in a network with a plurality of intermediate transmitter stations, comprising:

means for receiving mass medium programming and a control signal at said transmitter station from an origination station;

means for generating information to be associated with said mass medium programming at said transmitter station, said information being related to said mass medium programming and said intermediate transmitter station in said network, said information being different from information generated at other of said plurality of intermediate transmitter stations;

computer means for receiving, from said origination station, a schedule that designates mass medium programming and includes at least a time to transmit said mass medium programming to a remote receiver station and a channel on which to transmit said mass medium programming to a remote receiver station,

means for selecting information to be associated with said mass medium programming based on said schedule, said selected information including software,

means for selecting at least one of code and data, said selected at least one of code and data being effective to perform one of: (a) control said remote receiver station, (b) serve as a source of receiver specific data to supplement said mass medium programming, and (c) serve as a source of receiver specific data to complete said mass medium programming;

control signal detecting means for detecting the presence of said control signal and passing said control signal to said computer means, said control signal designating

at least one of said mass medium programming and said information to be associated with said mass medium programming;

selective transmission means for communicating said information to be associated with said mass medium programming to one of a selected signal generator and a signal generator at a selected time;

signal generating means for generating a signal containing said mass medium programming, said at least one of code and data and said information to be associated with said mass medium programming; and

transmitter means coupled to said signal generating means for transmitting said signal to said remote receiver station.

13. The method of claim 6, wherein said second mass medium programming includes at least one of video, audio, and a graphic.

### ***Allowable Subject Matter***

2. Claims 2, 5, 6, 8-10, 12 and 13 (now renumbered 1-8) are allowed.

3. The following is an examiner's statement of reasons for allowance. These reasons for allowance should not be interpreted to imply that limitations not specifically mentioned are immaterial to patentability. The specific limitations identified below have

been considered in combination with the entirety of the claim in determining patentability.

Regarding claims 2 and 12, the prior art of record fails to teach or fairly suggest a method as claimed, wherein an intermediate transmitter station receives mass medium programming, a control signal and a schedule that designates said mass medium programming, a time and a channel on which to transmit the mass medium programming, and wherein the mass medium programming is transmitted along with associated information generated at the transmitter station and at least one of code and data at a selected time.

The prior art of record (Lambert US 4,724,491) teaches inputting a schedule that designates mass medium programming and a time/channel for transmission. Summers (US 3,848,082) teaches generating associated information to be transmitted along with mass medium programming, including software. However, the prior art of record fails to teach receipt of the schedule from the origination station that provided mass medium programming to the transmitter station.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448